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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,825	09/30/2003	Reiner Hammerich	09700.0046-00	3059
22852	7590	12/05/2007		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER DAO, THUY CHAN	
			ART UNIT	PAPER NUMBER
			2192	
			MAIL DATE	DELIVERY MODE
			12/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,825

Applicant(s)

HAMMERICH ET AL.

Examiner

Thuy Dao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,11,12,14 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) 3,5-10,13 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11,12,14 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on October 4, 2007 has been entered.

2. Claims 1-2, 4, 11-12, 14, and 21-24 have been examined.

Response to Amendments

3. Per Applicants' request, claims 1, 11, and 21 have been amended; claims 3 and 13 have been canceled; claims 5-10 and 15-20 have been withdrawn; and claims 22-24 have been added.

4. The objection to the specification is withdrawn in view of Applicants' amendments.

Response to Arguments

5. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4, 11-12, 14, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by "Mobile Information Device Profile JSR-37 – JCP Specification", published December 15, 2000 (art made of record, hereinafter "MIDP-Spec").

Claim 1:

MIDP-Spec discloses a computer program product, an apparatus, and a *method for validating programs* (e.g., pp. 21-23, pp. 39-40), *the method comprising:*

receiving a language-independent description of a computer program, the language-independent description comprising a definition module and an implementation module (e.g., pp. 40-41),

the implementation module defining a first class to be implemented by the program (e.g., page 41, section 8.4 MIDlet Suite Packaging, Java classes for the MIDlet) *and*

the definition module defining a first interface associated with the class (e.g., page 4, section 8.4; pp. 43-44, section 8.4.1 JAR manifest; pp. 44-46, section 8.5 Application Descriptors);

validating the language-independent description (e.g., page 44, verifying manifest file; verifying class files packaged in JAR file; page 46, verifying Application Descriptors);

generating a language-dependent program from the language-independent description, the language-dependent program comprising the first interface and the first class; and validating the language-dependent program (e.g., pp. 46-47, Application Lifecycle; pp. 39-40, application management software for installing, starting, stopping, and uninstalling MIDlet; page 40, section 8.3, MIDP Execution Environment);

performing usage and semantic checks by compiling the generated first interface and the generated first class (e.g., pp. 22-23, section 2.1.2 compilation using Java Virtual Machine; page 26, K-Virtual Machine).

Claim 2:

The rejection of claim 1 is incorporated. MIDP-Spec also discloses *validating the language-independent description comprises validating the syntax of the definition module and the implementation module* (e.g., pp. 44-46, pp. 39-40).

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Claim 4:

The rejection of claim 1 is incorporated. MIDP-Spec also discloses *the definition module and the implementation module are represented in a meta-language or using a tree structure* (e.g., pages 44 and 46).

Claims 11-12 and 14:

Claims 11-12 and 14 are computer program product versions, which recite the same limitations as those of claims 1-2 and 4, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 11-12 and 14.

Claim 21:

Claim 21 is an apparatus version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 21.

Claim 22 (new):

The rejection of claim 1 is incorporated. MIDP-Spec also discloses *the language-dependent program comprises a script code section written in a scripting or interpreted language* (e.g., pp. 25-26, section 3.2 Architecture, Java programming language as an interpreted language).

Claim 23 (new):

The rejection of claim 22 is incorporated. MIDP-Spec also discloses *generating a language-dependent representation of the script code section, the language-dependent representation of the script code section comprising a second interface and a second class, and being written in a language other than the scripting or interpreted language*

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(e.g., pp. 26-27, generating bytecode and the execution environment within K-Virtual Machine KVM).

Claim 24 (new):

The rejection of claim 23 is incorporated. MIDP-Spec also discloses *performing usage and semantic checks by compiling the generated second interface and the generated second class* (e.g., pp. 22-23, page 26, page 40, compilation using KVM).

Conclusion

8. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

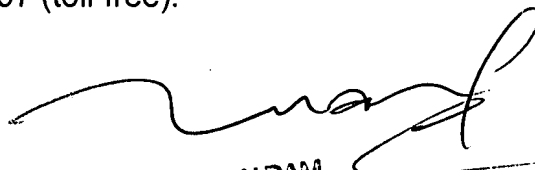
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao


TUAN DAM
SUPERVISORY PATENT EXAMINER